

2 SHB 1450 - S COMM AMD
3 By Committee on Ways & Means

4 ADOPTED 04/11/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 84.33.120 and 1999 sp.s. c 4 s 702 are each amended
8 to read as follows:

9 (1) In preparing the assessment rolls as of January 1, 1982, for
10 taxes payable in 1983 and each January 1st thereafter, the assessor
11 shall list each parcel of forest land at a value with respect to the
12 grade and class provided in this subsection and adjusted as provided in
13 subsection (2) of this section and shall compute the assessed value of
14 the land by using the same assessment ratio he or she applies generally
15 in computing the assessed value of other property in his or her county.
16 Values for the several grades of bare forest land shall be as follows.

17	LAND	OPERABILITY	VALUES
18	GRADE	CLASS	PER ACRE
19			
20		1	\$141
21	1	2	136
22		3	131
23		4	95
24			
25		1	118
26	2	2	114
27		3	110
28		4	80
29			
30		1	93
31	3	2	90
32		3	87
33		4	66
34			

1		1	70
2	4	2	68
3		3	66
4		4	52
5	<hr/>		
6		1	51
7	5	2	48
8		3	46
9		4	31
10	<hr/>		
11		1	26
12	6	2	25
13		3	25
14		4	23
15	<hr/>		
16		1	12
17	7	2	12
18		3	11
19		4	11
20	<hr/>		
21	8		1
22	<hr/>		

23 (2) On or before December 31, 1981, the department shall adjust, by
24 rule under chapter 34.05 RCW, the forest land values contained in
25 subsection (1) of this section in accordance with this subsection, and
26 shall certify these adjusted values to the county assessor for his or
27 her use in preparing the assessment rolls as of January 1, 1982. For
28 the adjustment to be made on or before December 31, 1981, for use in
29 the 1982 assessment year, the department shall:

30 (a) Divide the aggregate value of all timber harvested within the
31 state between July 1, 1976, and June 30, 1981, by the aggregate harvest
32 volume for the same period, as determined from the harvester excise tax
33 returns filed with the department under RCW 82.04.291 and 84.33.071;
34 and

35 (b) Divide the aggregate value of all timber harvested within the
36 state between July 1, 1975, and June 30, 1980, by the aggregate harvest
37 volume for the same period, as determined from the harvester excise tax
38 returns filed with the department under RCW 82.04.291 and 84.33.071;
39 and

1 (c) Adjust the forest land values contained in subsection (1) of
2 this section by a percentage equal to one-half of the percentage change
3 in the average values of harvested timber reflected by comparing the
4 resultant values calculated under (a) and (b) of this subsection.

5 For the adjustments to be made on or before December 31, 1982, and
6 each succeeding year thereafter, the same procedure shall be followed
7 as described in this subsection utilizing harvester excise tax returns
8 filed under RCW 82.04.291 and this chapter except that this adjustment
9 shall be made to the prior year's adjusted value, and the five-year
10 periods for calculating average harvested timber values shall be
11 successively one year more recent.

12 (3) In preparing the assessment roll for 1972 and each year
13 thereafter, the assessor shall enter as the true and fair value of each
14 parcel of forest land the appropriate grade value certified to him or
15 her by the department of revenue, and he or she shall compute the
16 assessed value of such land by using the same assessment ratio he or
17 she applies generally in computing the assessed value of other property
18 in his or her county. In preparing the assessment roll for 1975 and
19 each year thereafter, the assessor shall assess and value as classified
20 forest land all forest land that is not then designated pursuant to RCW
21 84.33.120(4) or 84.33.130 and shall make a notation of such
22 classification upon the assessment and tax rolls. On or before January
23 15 of the first year in which such notation is made, the assessor shall
24 mail notice by certified mail to the owner that such land has been
25 classified as forest land and is subject to the compensating tax
26 imposed by this section. If the owner desires not to have such land
27 assessed and valued as classified forest land, he or she shall give the
28 assessor written notice thereof on or before March 31 of such year and
29 the assessor shall remove from the assessment and tax rolls the
30 classification notation entered pursuant to this subsection, and shall
31 thereafter assess and value such land in the manner provided by law
32 other than this chapter 84.33 RCW.

33 (4) In any year commencing with 1972, an owner of land which is
34 assessed and valued by the assessor other than pursuant to the
35 procedures set forth in RCW 84.33.110 and this section, and which has,
36 in the immediately preceding year, been assessed and valued by the
37 assessor as forest land, may appeal to the county board of equalization
38 by filing an application with the board in the manner prescribed in
39 subsection (2) of RCW 84.33.130. The county board shall afford the

1 applicant an opportunity to be heard if the application so requests and
2 shall act upon the application in the manner prescribed in subsection
3 (3) of RCW 84.33.130.

4 (5) Land that has been assessed and valued as classified forest
5 land as of any year commencing with 1975 assessment year or earlier
6 shall continue to be so assessed and valued until removal of
7 classification by the assessor only upon the occurrence of one of the
8 following events:

9 (a) Receipt of notice from the owner to remove such land from
10 classification as forest land;

11 (b) Sale or transfer to an ownership making such land exempt from
12 ad valorem taxation;

13 (c) Determination by the assessor, after giving the owner written
14 notice and an opportunity to be heard, that, because of actions taken
15 by the owner, such land is no longer primarily devoted to and used for
16 growing and harvesting timber. However, land shall not be removed from
17 classification if a governmental agency, organization, or other
18 recipient identified in subsection (9) or (10) of this section as
19 exempt from the payment of compensating tax has manifested its intent
20 in writing or by other official action to acquire a property interest
21 in classified forest land by means of a transaction that qualifies for
22 an exemption under subsection (9) or (10) of this section. The
23 governmental agency, organization, or recipient shall annually provide
24 the assessor of the county in which the land is located reasonable
25 evidence in writing of the intent to acquire the classified land as
26 long as the intent continues or within sixty days of a request by the
27 assessor. The assessor may not request this evidence more than once in
28 a calendar year;

29 (d) Determination that a higher and better use exists for such land
30 than growing and harvesting timber after giving the owner written
31 notice and an opportunity to be heard;

32 (e) Sale or transfer of all or a portion of such land to a new
33 owner, unless the new owner has signed a notice of forest land
34 classification continuance, except transfer to an owner who is an heir
35 or devisee of a deceased owner, shall not, by itself, result in removal
36 of classification. The signed notice of continuance shall be attached
37 to the real estate excise tax affidavit provided for in RCW 82.45.150.
38 The notice of continuance shall be on a form prepared by the department
39 of revenue. If the notice of continuance is not signed by the new

1 owner and attached to the real estate excise tax affidavit, all
2 compensating taxes calculated pursuant to subsection (7) of this
3 section shall become due and payable by the seller or transferor at
4 time of sale. The county auditor shall not accept an instrument of
5 conveyance of classified forest land for filing or recording unless the
6 new owner has signed the notice of continuance or the compensating tax
7 has been paid, as evidenced by the real estate excise tax stamp affixed
8 thereto by the treasurer. The seller, transferor, or new owner may
9 appeal the new assessed valuation calculated under subsection (7) of
10 this section to the county board of equalization. Jurisdiction is
11 hereby conferred on the county board of equalization to hear these
12 appeals.

13 The assessor shall remove classification pursuant to (c) or (d) of
14 this subsection prior to September 30 of the year prior to the
15 assessment year for which termination of classification is to be
16 effective. Removal of classification as forest land upon occurrence of
17 (a), (b), (d), or (e) of this subsection shall apply only to the land
18 affected, and upon occurrence of (c) of this subsection shall apply
19 only to the actual area of land no longer primarily devoted to and used
20 for growing and harvesting timber: PROVIDED, That any remaining
21 classified forest land meets necessary definitions of forest land
22 pursuant to RCW 84.33.100.

23 (6) Within thirty days after such removal of classification as
24 forest land, the assessor shall notify the owner in writing setting
25 forth the reasons for such removal. The owner of such land shall
26 thereupon have the right to apply for designation of such land as
27 forest land pursuant to subsection (4) of this section or RCW
28 84.33.130. The seller, transferor, or owner may appeal such removal to
29 the county board of equalization.

30 (7) Unless the owner successfully applies for designation of such
31 land or unless the removal is reversed on appeal, notation of removal
32 from classification shall immediately be made upon the assessment and
33 tax rolls, and commencing on January 1 of the year following the year
34 in which the assessor made such notation, such land shall be assessed
35 on the same basis as real property is assessed generally in that
36 county. Except as provided in subsection (5)(e), (9), or (10) of this
37 section and unless the assessor shall not have mailed notice of
38 classification pursuant to subsection (3) of this section, a
39 compensating tax shall be imposed which shall be due and payable to the

1 county treasurer thirty days after the owner is notified of the amount
2 of the compensating tax. As soon as possible, the assessor shall
3 compute the amount of such compensating tax and mail notice to the
4 owner of the amount thereof and the date on which payment is due. The
5 amount of such compensating tax shall be equal to the difference, if
6 any, between the amount of tax last levied on such land as forest land
7 and an amount equal to the new assessed valuation of such land
8 multiplied by the dollar rate of the last levy extended against such
9 land, multiplied by a number, in no event greater than ten, equal to
10 the number of years, commencing with assessment year 1975, for which
11 such land was assessed and valued as forest land.

12 (8) Compensating tax, together with applicable interest thereon,
13 shall become a lien on such land which shall attach at the time such
14 land is removed from classification as forest land and shall have
15 priority to and shall be fully paid and satisfied before any
16 recognizance, mortgage, judgment, debt, obligation or responsibility to
17 or with which such land may become charged or liable. Such lien may be
18 foreclosed upon expiration of the same period after delinquency and in
19 the same manner provided by law for foreclosure of liens for delinquent
20 real property taxes as provided in RCW 84.64.050. Any compensating tax
21 unpaid on its due date shall thereupon become delinquent. From the
22 date of delinquency until paid, interest shall be charged at the same
23 rate applied by law to delinquent ad valorem property taxes.

24 (9) The compensating tax specified in subsection (7) of this
25 section shall not be imposed if the removal of classification as forest
26 land pursuant to subsection (5) of this section resulted solely from:

27 (a) Transfer to a government entity in exchange for other forest
28 land located within the state of Washington;

29 (b) A taking through the exercise of the power of eminent domain,
30 or sale or transfer to an entity having the power of eminent domain in
31 anticipation of the exercise of such power;

32 (c) A donation of fee title, development rights, or the right to
33 harvest timber, to a government agency or organization qualified under
34 RCW 84.34.210 and 64.04.130 for the purposes enumerated in those
35 sections, or the sale or transfer of fee title to a governmental entity
36 or a nonprofit nature conservancy corporation, as defined in RCW
37 64.04.130, exclusively for the protection and conservation of lands
38 recommended for state natural area preserve purposes by the natural
39 heritage council and natural heritage plan as defined in chapter 79.70

1 RCW: PROVIDED, That at such time as the land is not used for the
2 purposes enumerated, the compensating tax specified in subsection (7)
3 of this section shall be imposed upon the current owner;

4 (d) The sale or transfer of fee title to the parks and recreation
5 commission for park and recreation purposes;

6 (e) Official action by an agency of the state of Washington or by
7 the county or city within which the land is located that disallows the
8 present use of such land;

9 (f) The creation, sale, or transfer of forestry riparian easements
10 under RCW 76.13.120; ~~((or))~~

11 (g) The creation, sale, or transfer of a fee interest or a
12 conservation easement for the riparian open space program under RCW
13 76.09.040; or

14 (h) The sale or transfer of land after the death of the owner of at
15 least a fifty percent interest in the land if the land has been
16 assessed and valued as classified forest land, designated as forest
17 land under this chapter, or classified under chapter 84.34 RCW
18 continuously since 1993 and the sale or transfer takes place within two
19 years after the effective date of this section and the death of the
20 owner occurred after January 1, 1991. The date of death shown on a
21 death certificate is the date used for the purpose of this subsection.

22 (10) In a county with a population of more than one million
23 inhabitants, the compensating tax specified in subsection (7) of this
24 section shall not be imposed if the removal of classification as forest
25 land pursuant to subsection (5) of this section resulted solely from:

26 (a) An action described in subsection (9) of this section; or

27 (b) A transfer of a property interest to a government entity, or to
28 a nonprofit historic preservation corporation or nonprofit nature
29 conservancy corporation, as defined in RCW 64.04.130, to protect or
30 enhance public resources, or to preserve, maintain, improve, restore,
31 limit the future use of, or otherwise to conserve for public use or
32 enjoyment, the property interest being transferred. At such time as
33 the property interest is not used for the purposes enumerated, the
34 compensating tax shall be imposed upon the current owner.

35 (11) With respect to any land that has been designated prior to May
36 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may,
37 prior to January 1, 1975, on his or her own motion or pursuant to
38 petition by the owner, change, without imposition of the compensating

1 tax provided under RCW 84.33.140, the status of such designated land to
2 classified forest land.

3 **Sec. 2.** RCW 84.33.140 and 1999 sp.s. c 4 s 703 are each amended to
4 read as follows:

5 (1) When land has been designated as forest land pursuant to RCW
6 84.33.120(4) or 84.33.130, a notation of such designation shall be made
7 each year upon the assessment and tax rolls, a copy of the notice of
8 approval together with the legal description or assessor's tax lot
9 numbers for such land shall, at the expense of the applicant, be filed
10 by the assessor in the same manner as deeds are recorded, and such land
11 shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120
12 until removal of such designation by the assessor upon occurrence of
13 any of the following:

14 (a) Receipt of notice from the owner to remove such designation;

15 (b) Sale or transfer to an ownership making such land exempt from
16 ad valorem taxation;

17 (c) Sale or transfer of all or a portion of such land to a new
18 owner, unless the new owner has signed a notice of forest land
19 designation continuance, except transfer to an owner who is an heir or
20 devisee of a deceased owner, shall not, by itself, result in removal of
21 classification. The signed notice of continuance shall be attached to
22 the real estate excise tax affidavit provided for in RCW 82.45.150.
23 The notice of continuance shall be on a form prepared by the department
24 of revenue. If the notice of continuance is not signed by the new
25 owner and attached to the real estate excise tax affidavit, all
26 compensating taxes calculated pursuant to subsection (3) of this
27 section shall become due and payable by the seller or transferor at
28 time of sale. The county auditor shall not accept an instrument of
29 conveyance of designated forest land for filing or recording unless the
30 new owner has signed the notice of continuance or the compensating tax
31 has been paid, as evidenced by the real estate excise tax stamp affixed
32 thereto by the treasurer. The seller, transferor, or new owner may
33 appeal the new assessed valuation calculated under subsection (3) of
34 this section to the county board of equalization. Jurisdiction is
35 hereby conferred on the county board of equalization to hear these
36 appeals;

37 (d) Determination by the assessor, after giving the owner written
38 notice and an opportunity to be heard, that:

1 (i) Such land is no longer primarily devoted to and used for
2 growing and harvesting timber. However, land shall not be removed from
3 designation if a governmental agency, organization, or other recipient
4 identified in subsection (5) or (6) of this section as exempt from the
5 payment of compensating tax has manifested its intent in writing or by
6 other official action to acquire a property interest in designated
7 forest land by means of a transaction that qualifies for an exemption
8 under subsection (5) or (6) of this section. The governmental agency,
9 organization, or recipient shall annually provide the assessor of the
10 county in which the land is located reasonable evidence in writing of
11 the intent to acquire the designated land as long as the intent
12 continues or within sixty days of a request by the assessor. The
13 assessor may not request this evidence more than once in a calendar
14 year;

15 (ii) The owner has failed to comply with a final administrative or
16 judicial order with respect to a violation of the restocking, forest
17 management, fire protection, insect and disease control and forest
18 debris provisions of Title 76 RCW or any applicable regulations
19 thereunder; or

20 (iii) Restocking has not occurred to the extent or within the time
21 specified in the application for designation of such land.
22 Removal of designation upon occurrence of any of (a) through (c) of
23 this subsection shall apply only to the land affected, and upon
24 occurrence of (d) of this subsection shall apply only to the actual
25 area of land no longer primarily devoted to and used for growing and
26 harvesting timber, without regard to other land that may have been
27 included in the same application and approval for designation:
28 PROVIDED, That any remaining designated forest land meets necessary
29 definitions of forest land pursuant to RCW 84.33.100.

30 (2) Within thirty days after such removal of designation of forest
31 land, the assessor shall notify the owner in writing, setting forth the
32 reasons for such removal. The seller, transferor, or owner may appeal
33 such removal to the county board of equalization.

34 (3) Unless the removal is reversed on appeal a copy of the notice
35 of removal with notation of the action, if any, upon appeal, together
36 with the legal description or assessor's tax lot numbers for the land
37 removed from designation shall, at the expense of the applicant, be
38 filed by the assessor in the same manner as deeds are recorded, and
39 commencing on January 1 of the year following the year in which the

1 assessor mailed such notice, such land shall be assessed on the same
2 basis as real property is assessed generally in that county. Except as
3 provided in subsection (1)(c), (5), or (6) of this section, a
4 compensating tax shall be imposed which shall be due and payable to the
5 county treasurer thirty days after the owner is notified of the amount
6 of the compensating tax. As soon as possible, the assessor shall
7 compute the amount of such compensating tax and mail notice to the
8 owner of the amount thereof and the date on which payment is due. The
9 amount of such compensating tax shall be equal to the difference
10 between the amount of tax last levied on such land as forest land and
11 an amount equal to the new assessed valuation of such land multiplied
12 by the dollar rate of the last levy extended against such land,
13 multiplied by a number, in no event greater than ten, equal to the
14 number of years for which such land was designated as forest land.

15 (4) Compensating tax, together with applicable interest thereon,
16 shall become a lien on such land which shall attach at the time such
17 land is removed from designation as forest land and shall have priority
18 to and shall be fully paid and satisfied before any recognizance,
19 mortgage, judgment, debt, obligation or responsibility to or with which
20 such land may become charged or liable. Such lien may be foreclosed
21 upon expiration of the same period after delinquency and in the same
22 manner provided by law for foreclosure of liens for delinquent real
23 property taxes as provided in RCW 84.64.050. Any compensating tax
24 unpaid on its due date shall thereupon become delinquent. From the
25 date of delinquency until paid, interest shall be charged at the same
26 rate applied by law to delinquent ad valorem property taxes.

27 (5) The compensating tax specified in subsection (3) of this
28 section shall not be imposed if the removal of designation pursuant to
29 subsection (1) of this section resulted solely from:

30 (a) Transfer to a government entity in exchange for other forest
31 land located within the state of Washington;

32 (b) A taking through the exercise of the power of eminent domain,
33 or sale or transfer to an entity having the power of eminent domain in
34 anticipation of the exercise of such power;

35 (c) A donation of fee title, development rights, or the right to
36 harvest timber, to a government agency or organization qualified under
37 RCW 84.34.210 and 64.04.130 for the purposes enumerated in those
38 sections, or the sale or transfer of fee title to a governmental entity
39 or a nonprofit nature conservancy corporation, as defined in RCW

64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; ~~((or))~~

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(h) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after the effective date of this section and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

1 **Sec. 3.** RCW 84.34.108 and 1999 sp.s. c 4 s 706 and 1999 c 233 s 22
2 are each reenacted and amended to read as follows:

3 (1) When land has once been classified under this chapter, a
4 notation of such classification shall be made each year upon the
5 assessment and tax rolls and such land shall be valued pursuant to RCW
6 84.34.060 or 84.34.065 until removal of all or a portion of such
7 classification by the assessor upon occurrence of any of the following:

8 (a) Receipt of notice from the owner to remove all or a portion of
9 such classification;

10 (b) Sale or transfer to an ownership, except a transfer that
11 resulted from a default in loan payments made to or secured by a
12 governmental agency that intends to or is required by law or regulation
13 to resell the property for the same use as before, making all or a
14 portion of such land exempt from ad valorem taxation;

15 (c) Sale or transfer of all or a portion of such land to a new
16 owner, unless the new owner has signed a notice of classification
17 continuance, except transfer to an owner who is an heir or devisee of
18 a deceased owner shall not, by itself, result in removal of
19 classification. The notice of continuance shall be on a form prepared
20 by the department of revenue. If the notice of continuance is not
21 signed by the new owner and attached to the real estate excise tax
22 affidavit, all additional taxes calculated pursuant to subsection (4)
23 of this section shall become due and payable by the seller or
24 transferor at time of sale. The county auditor shall not accept an
25 instrument of conveyance of classified land for filing or recording
26 unless the new owner has signed the notice of continuance or the
27 additional tax has been paid, as evidenced by the real estate excise
28 tax stamp affixed thereto by the treasurer. The seller, transferor, or
29 new owner may appeal the new assessed valuation calculated under
30 subsection (4) of this section to the county board of equalization.
31 Jurisdiction is hereby conferred on the county board of equalization to
32 hear these appeals;

33 (d) Determination by the assessor, after giving the owner written
34 notice and an opportunity to be heard, that all or a portion of such
35 land no longer meets the criteria for classification under this
36 chapter. The criteria for classification pursuant to this chapter
37 continue to apply after classification has been granted.

38 The granting authority, upon request of an assessor, shall provide
39 reasonable assistance to the assessor in making a determination whether

1 such land continues to meet the qualifications of RCW 84.34.020 (1) or
2 (3). The assistance shall be provided within thirty days of receipt of
3 the request.

4 (2) Land may not be removed from classification because of:

5 (a) The creation, sale, or transfer of forestry riparian easements
6 under RCW 76.13.120; or

7 (b) The creation, sale, or transfer of a fee interest or a
8 conservation easement for the riparian open space program under RCW
9 76.09.040.

10 (3) Within thirty days after such removal of all or a portion of
11 such land from current use classification, the assessor shall notify
12 the owner in writing, setting forth the reasons for such removal. The
13 seller, transferor, or owner may appeal such removal to the county
14 board of equalization.

15 (4) Unless the removal is reversed on appeal, the assessor shall
16 revalue the affected land with reference to full market value on the
17 date of removal from classification. Both the assessed valuation
18 before and after the removal of classification shall be listed and
19 taxes shall be allocated according to that part of the year to which
20 each assessed valuation applies. Except as provided in subsection (6)
21 of this section, an additional tax, applicable interest, and penalty
22 shall be imposed which shall be due and payable to the county treasurer
23 thirty days after the owner is notified of the amount of the additional
24 tax. As soon as possible, the assessor shall compute the amount of
25 such an additional tax, applicable interest, and penalty and the
26 treasurer shall mail notice to the owner of the amount thereof and the
27 date on which payment is due. The amount of such additional tax,
28 applicable interest, and penalty shall be determined as follows:

29 (a) The amount of additional tax shall be equal to the difference
30 between the property tax paid as "open space land", "farm and
31 agricultural land", or "timber land" and the amount of property tax
32 otherwise due and payable for the seven years last past had the land
33 not been so classified;

34 (b) The amount of applicable interest shall be equal to the
35 interest upon the amounts of such additional tax paid at the same
36 statutory rate charged on delinquent property taxes from the dates on
37 which such additional tax could have been paid without penalty if the
38 land had been assessed at a value without regard to this chapter;

1 (c) The amount of the penalty shall be as provided in RCW
2 84.34.080. The penalty shall not be imposed if the removal satisfies
3 the conditions of RCW 84.34.070.

4 (5) Additional tax, applicable interest, and penalty, shall become
5 a lien on such land which shall attach at the time such land is removed
6 from classification under this chapter and shall have priority to and
7 shall be fully paid and satisfied before any recognizance, mortgage,
8 judgment, debt, obligation or responsibility to or with which such land
9 may become charged or liable. Such lien may be foreclosed upon
10 expiration of the same period after delinquency and in the same manner
11 provided by law for foreclosure of liens for delinquent real property
12 taxes as provided in RCW 84.64.050 now or as hereafter amended. Any
13 additional tax unpaid on its due date shall thereupon become
14 delinquent. From the date of delinquency until paid, interest shall be
15 charged at the same rate applied by law to delinquent ad valorem
16 property taxes.

17 (6) The additional tax, applicable interest, and penalty specified
18 in subsection (4) of this section shall not be imposed if the removal
19 of classification pursuant to subsection (1) of this section resulted
20 solely from:

21 (a) Transfer to a government entity in exchange for other land
22 located within the state of Washington;

23 (b)(i) A taking through the exercise of the power of eminent
24 domain, or (ii) sale or transfer to an entity having the power of
25 eminent domain in anticipation of the exercise of such power, said
26 entity having manifested its intent in writing or by other official
27 action;

28 (c) A natural disaster such as a flood, windstorm, earthquake, or
29 other such calamity rather than by virtue of the act of the landowner
30 changing the use of such property;

31 (d) Official action by an agency of the state of Washington or by
32 the county or city within which the land is located which disallows the
33 present use of such land;

34 (e) Transfer of land to a church when such land would qualify for
35 exemption pursuant to RCW 84.36.020;

36 (f) Acquisition of property interests by state agencies or agencies
37 or organizations qualified under RCW 84.34.210 and 64.04.130 for the
38 purposes enumerated in those sections: PROVIDED, That at such time as
39 these property interests are not used for the purposes enumerated in

1 RCW 84.34.210 and 64.04.130 the additional tax specified in subsection
2 (4) of this section shall be imposed;

3 (g) Removal of land classified as farm and agricultural land under
4 RCW 84.34.020(2)(d);

5 (h) Removal of land from classification after enactment of a
6 statutory exemption that qualifies the land for exemption and receipt
7 of notice from the owner to remove the land from classification;

8 (i) The creation, sale, or transfer of forestry riparian easements
9 under RCW 76.13.120; ~~((or))~~

10 (j) The creation, sale, or transfer of a fee interest or a
11 conservation easement for the riparian open space program under RCW
12 76.09.040; or

13 (k) The sale or transfer of land after the death of the owner of at
14 least a fifty percent interest in the land if the land has been
15 assessed and valued as classified forest land, designated as forest
16 land under chapter 84.33 RCW, or classified under this chapter
17 continuously since 1993 and the sale or transfer takes place within two
18 years after the effective date of this section and the death of the
19 owner occurred after January 1, 1991. The date of death shown on a
20 death certificate is the date used for the purpose of this subsection."

21 **SHB 1450** - S COMM AMD

22 By Committee on Ways & Means

23 ADOPTED 04/11/01

24 On page 1, line 2 of the title, after "owner;" strike the remainder
25 of the title and insert "amending RCW 84.33.120 and 84.33.140; and
26 reenacting and amending RCW 84.34.108."

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